THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9794 OF 2002

DATED: 04-7-2007

Between:

Syed Sardar Ahmed

.. Petitioner

and

Commissioner of Police, Twin Cities, having his office at Basheer Bagh, Hyderabad and another.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.9794 OF 2002

ORDER:

This writ petition is filed seeking a mandamus declaring the action of the 2nd respondent in issuing the notice No.140/Insptr/Tr/Tbz/2002, dated 20.5.2002, as arbitrary and illegal.

It appears, the 2nd respondent- Inspector of Police, Traffic P.S., Troop Bazar, issued a notice, dated 20.05.2002, under Section 133 of the Code of Criminal Procedure, stating that the petitioner is doing business in a shop constructed in the cellar of a premises, which was meant for parking of the vehicles, and the customers, who are coming to the establishment of the petitioner, are parking their two wheelers/four wheelers on the road, causing traffic congestion and resulting in frequent traffic jam, by which public are facing lot of inconvenience and, hence, directed to remove the shop of the petitioner within seven days.

In the facts and circumstances of the case, I am of the opinion that the police, to clear the traffic, can object for parking of the vehicles on the road. But, they cannot ask a person to remove a shop stating that the construction of the same is illegal. No such power is vested with the police. It is for the Municipal Corporation to look into those illegal constructions and take appropriate steps for removal of the same. The impugned order is, therefore, liable to be set aside and, accordingly, set aside.

The writ petition is, accordingly, allowed. No costs.

C.V. RAMULU, J

4th July, 2007.
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